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IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA

2005 JUN 14 A 9:41

DEBRA P. HANNETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

PRISONER COMPLAINT [FOR INMATE ACTION] UNDER 42 U.S.C. § 1983

Talecia Borne
Name under which you
were convicted

170210
Your prison number

CIVIL ACTION NO. 2:05CV566F
(To be supplied by Clerk of Court)

vs. Pauline Padgett,
Benny Mates, Luke Hallmark,
Loretta McCoy
Name of Defendant(s)

Julia Tutwiler Prison - 8966 U.S. Hwy 231 North
Place of Confinement and Address Westupka, Ala. 36092

INSTRUCTIONS - READ CAREFULLY

A. Complaint Form. You must file your original complaint and a copy for each named Defendant. Your complaint must be clearly handwritten or typewritten. Do not use the back of a page. Your complaint must be signed by you; no notary is required. Any false statement of material fact may serve as the basis for prosecution for perjury.

B. Proper Court. Your complaint can only be brought in this Court if a defendant is located in the Southern District of Alabama and the rest of the defendants are located in Alabama or if your claim arose in this district. The Southern District of Alabama is comprised of the following counties: Baldwin, Clarke, Choctaw, Conecuh, Dallas, Escambia, Hale, Marengo, Mobile, Monroe, Perry, Washington, and Wilcox.

C. Separate Case. It is necessary to file a separate complaint form for each claim unless the claims are related to the same incident or issue.

Revised 6/3/96

D. Defendants. The persons who are listed as defendants in section III of the complaint are deemed by the Court to be the only defendants to this action. A defendant's present address must be provided. The Court is unable to serve process without the present address being furnished. The first defendant listed in section III should be the defendant that you list in the style of your case on your complaint form and motion to proceed without prepayment of fees and costs, if applicable, and any other pleading filed with the Court.

E. Pleading the Complaint. Your complaint should not contain legal arguments, case law or statutory citations. You are required to provide facts. Your complaint shall be a short and plain statement of your claim and shall provide fair notice to each defendant of the claim against that defendant and of the factual grounds upon which the claim rests.

F. Fees. This complaint cannot be properly filed unless it is accompanied by the \$150.00 filing fee or a motion to proceed without prepayment of fees and costs if you are unable to afford the filing fee and other costs associated with prosecuting this action.

If you are unable to pay the filing fee and service costs for this action, you may ask the Court to let you proceed without prepayment of fees and costs. A blank motion for this purpose is included.

If you wish to proceed without prepayment of fees and costs, you must complete and mail to the Clerk of Court a copy of the "Motion to Proceed Without Prepayment of Fees and Costs" mailed to you with this complaint. This motion will be returned to you without action unless you have an authorized officer at the jail or prison complete the financial statement mailed to you with this form.

Even if the Court authorizes you to proceed without prepayment of filing fees, you are obligated to pay the full \$150.00. If you have the ability to pay a partial filing fee when your complaint is filed, you will be required to pay an amount, based on your assets, of up to the greater of 20 percent of your average monthly balance in your prison account or your average monthly balance for six months immediately preceding the filing of your complaint. Thereafter, your prison account will be garnished at the rate of 20 percent of your monthly income until the filing fee is paid.

G. Form of Pleadings. All pleadings and other papers filed must be on 8 1/2" x 11" paper, legibly handwritten or typewritten. Every document filed after the complaint must have the style of the case and the docket number. Every pleading must be signed by you and must contain your address and telephone number, if any;

otherwise, the pleading will be stricken. See Fed. R. Civ. P. 11(a). No notary is required.

H. Certificate of Service. Each pleading filed after the complaint must contain a certificate of service indicating that the pleading has been served on the opposing parties and the date that it was sent. A pleading will be stricken if it does not contain this certificate of service. See Fed. R. Civ. P. 5.

I. Copies. This Court will not make copies of your complaint or pleadings unless you prepay the required per page copying fee.

J. Form of Pleadings. Do not write letters to the Court. All pleadings and documents should be sent to the Clerk of the Court, and not to a magistrate judge or a district judge.

K. No Evidence. No evidence shall be sent to the Court for filing or storing.

I. PREVIOUS LAWSUITS.

A. Have you filed any other lawsuits in state or federal court dealing with the same or similar facts involved in this action:
Yes () No (☒)

B. Have you filed other lawsuits in state or federal court relating to your imprisonment: Yes () No (☒)

C. If your answer to questions A or B above is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using this same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: N/A

N/A

Defendants: N/A

N/A

2. Court (if federal court, name the district; if state court, name the county): N/A

3. Docket Number: N/A

4. Were you granted the opportunity to proceed without payment of filing fees? Yes () N/A No ()

5. Name of judge to whom the case was assigned: N/A

6. If your case is no longer pending and has been dismissed, state the reason given by the Court as to why case was dismissed, i.e., frivolous, malicious, failed to state a claim, defendants were immune, etc.: N/A your to

7. Approximate date of filing lawsuit: N/A

8. Approximate date of ruling by court: N/A

✓ **II. YOUR PRESENT COMPLAINT.**

A. Place or institution where action complained of occurred:

101 - Main Street - Jailer Alabama, 36748

B. Date it occurred: September 23, 2004

C. Is there a prisoner grievance procedure in this institution?

N/A

D. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No ()

E. If your answer is YES:

1. What steps did you take? N/A

2. What was the result? N/A

F. If your answer is NO, explain why not: There is no

grievance procedure at Julia Tuttle

G. Your claim (briefly explain your claim: what, when, where, who; do not cite cases; you may, without leave of Court, add up to five (5) additional pages if necessary): On September 23, 2004

I was called to the school by my daughter in fear of a male attacking her. Once I arrived at the school, the teacher knew nothing of the incident. In the hallway, the student (male) and I had a verbal confrontation.

My Parole officer had me arrested pending charges, "Disorderly Conduct". He & the Hearing Officer returned me to Julia Tuttle Prison For Women.

There has been no legal charges filed against me, in the City or County Court houses.

The principal, & Superintendent of John Creek High School for whatever reasons made false statements at my Parole Hearing.

My Parole officer Paul Hollomack, & Hearing officer, Pauline Padgett has denied my Liberty of Freedom by returning me to prison without just cause.

III. PARTIES.

A. Plaintiff (Your name/AIS): Julia Borne

Your present address: 8966 U.S. Hwy 231 North
Wetumpka Ala. 36092

B. Defendant(s):

1. Defendant (full name) Benny Mates is employed

as Parole Officer at State of Alabama (Prison Alabama)

1000# 200

His/her present address is 101 N. Shiloh St; Linden Ala. 36748

(a) Claim against this defendant: Harassment,
Illegal Imprisonment

(b) Supporting facts (Include date/location of incident):

September 23, 2004, Marengo County Jail, Mr. Meates
written testimony of charges; for violation
of Parole, that proved to be false.

2. Defendant (full name) Pauline Padgett is employed
as Parole Hearing Officer at State of Alabama
His/her present address is 101 N. Shiloh St; Linden Ala. 36748

(a) Claim against this defendant: Harassment,
Illegal Imprisonment

(b) Supporting facts (Include date/location of incident):

September 23, 2005, Marengo County Jail, Mrs. Padgett,
did not have proof I committed any
crime, She recommended I be released.

3. Defendant (full name) Luke Hallmark is employed
as Superintendent at John Essex High School.
His/her present address is 70 Essex Dr. Donipha Ala. 36732

(a) Claim against this defendant: Harassment,

(b) Supporting facts (Include date/location of incident):

Mr. Hallmark was a Key witness,
for the Parole Office at the hearing
presenting untrue evidence.
September 23, 2005; Marengo County

C. Additional Defendants: (If there are additional defendants, you may list them on separate pages using the same outline above).

IV. A. You must answer the following questions:

1. State the conviction(s) for which you are presently incarcerated: _____

Forgery II

2. When were you convicted? September 21, 1999

3. What is the term of your sentence? 15 yrs.

4. When did you start serving this sentence? April 15, 1999

5. Do you have any other convictions which form the basis of a future sentence? Yes () No (☒)
If so, complete the following:

(a) Date of conviction: N/A

(b) Term of sentence: N/A

6. What is your expected end of sentence (E.O.S.) date?

November 21, 2005

B. If this present lawsuit concerns your criminal conviction or sentence, state whether your conviction has been:

	Conviction	Sentence
Reversed	yes() no(<input checked="" type="checkbox"/>)	yes() no(<input checked="" type="checkbox"/>)
Expunged	yes() no(<input checked="" type="checkbox"/>)	yes() no(<input checked="" type="checkbox"/>)
Invalidated	yes() no(<input checked="" type="checkbox"/>)	yes() no(<input checked="" type="checkbox"/>)
Writ of habeas corpus granted	yes() no(<input checked="" type="checkbox"/>)	yes() no(<input checked="" type="checkbox"/>)

C. If you answered yes to any of the questions, state the Court or entity that relieved you from your conviction or sentence and the date:

N/A
N/A

V. State briefly exactly what you want the Court to do for you if you win (make no legal argument, cite no cases or statutes):

I request to be compensated for every

day I have spent incarcerated; being
falsely accused of cases that do not legally
exist.

VI. **AFFIRMATION.** By my signature below, I swear or affirm under penalty of perjury that the facts set out in this complaint are true and correct.

4-27-05
Date

Delecia Borne
(Signature of Plaintiff Under
Penalty of Perjury)

8966 U.S. Hwy 231 North
Current Mailing Address

Wetumpka, Alabama 36092

334-567-4369
Telephone Number

PLAINTIFF SHALL IMMEDIATELY ADVISE THE COURT IN WRITING OF ANY
CHANGE IN HIS ADDRESS, E.G., RELEASED, TRANSFERRED, MOVED, ETC.
FAILURE TO NOTIFY THE COURT OF A NEW ADDRESS WILL RESULT IN THE
DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE AND TO OBEY THE
COURT'S ORDER.

Additional Defendants:

4. Defendant (Full Name)- Lerella Mc Cay is employed as Principal at John Esser High School

Her present address is: 70 Esser Dr.
Birmingham Ala. 36732

Claim Against Her, Harassment

Same as Mr. Hallmark, Superintendent
of John Esser School.

Respectfully,
Tulio Boone
4-28-05

"Attachment"